

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Crittenden on August 9, 2011.

The application has been amended as follows:

In line 10 of claim 47, after "having", "the plurality of" has been inserted.

Claim 48 has been rejoined.

In lines 1-2 of claim 48, "contacting of the patient's fluids/tissue comprises implanting a prosthetic device comprising the surface capillary fibers." has been deleted and has been replaced with "the medical device is a prosthetic device.".

In lines 1-2 of claim 49, "contacting of the patient's fluids/tissue comprises implanting a prosthetic device comprises delivery of a catheter associated with the surface capillary fibers." has been deleted and has been replaced with "the medical device is a catheter.".

Claim 51 is cancelled.

In line 3 of claim 57, "polymer," has been deleted and has been replaced with "polymer matrix,".

2. The following is an examiner's statement of reasons for allowance: The method for delivering a bioactive agent and the medical device as claimed was not disclosed or

rendered obvious by the prior art of record. As to claim 47, contacting a patient's body fluids or tissues with a plurality of surface capillary fibers pre-loaded with a bioactive agent where the bioactive agent is associated with a controlled release agent as claimed in addition to the other steps of the method was not found in the prior art of record. As to claims 53 and 57, the medical device comprising a plurality of surface capillary fibers pre-loaded with a bioactive agent where the bioactive agent is associated with a controlled release agent or where the bioactive agent is pre-loaded within a polymer matrix of the surface capillary fibers in addition to the other structural features of the device was not found in the prior art of record.

The closest prior art of record is Vaughn et al ("Expanded Surface Area Fibers: A Means for Medical Product Enhancement"). Vaughn et al disclose a medical device having a plurality of surface capillary fibers pre-loaded with a bioactive agent but Vaughn et al fail to disclose the bioactive agent being associated with a controlled release agent or the bioactive agent being pre-loaded within a polymer matrix of the surface capillary fibers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHISMA MEHTA whose telephone number is (571)272-

3383. The examiner can normally be reached on Monday through Friday, 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on 571-272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhisma Mehta/
Primary Examiner, Art Unit 3767